

**Regular Meeting of the Legal Committee
Held in the Conference Room at City Hall
January 31, 2019**

Notice of this meeting was given to the public in compliance with Section 10-15-1 through 10-15-4 NMSA and Resolution 18-55.

ROLL CALL

The meeting convened at 4:00 p.m. with Chair Stubbs presiding, Councilors Peterson, and Foster present. Councilor Sanchez was absent.

Staff present: Mark Bleth, Bill Morris, Scott Stark, Elizabeth Gilbert, Parker Patterson, Joe Neeb, Mike Matthews, Michael Stanton, Monica Garcia, Aaron Holloman.

Guests present: Mayor Kintigh, Alison Penn, Tim Coughlin.

APPROVAL OF AGENDA

Councilor Foster moved to approve the January 31, 2019, Legal Committee meeting agenda moving item 5, Boys and Girls Club Service Agreement, to item 1. Councilor Peterson was the second. A voice vote was 3-0, and the motion passed.

APPROVAL OF MINUTES

Councilor Foster moved to approve the November 29, 2018 Legal Committee minutes with changes to correct the vote totals for "Approval of Minutes" and Item 1(C). Councilor Peterson was the second. A voice vote was 3-0, and the motion passed.

REGULAR ITEMS

1. Boys and Girls Club Services Agreement – Elizabeth Gilbert introduced the item which establishes a services agreement to provide funding to the Boys and Girls Club. The Committee discussed the need for consistency among agreements with the various service providers that do business with the City. Ms. Gilbert noted that there is a lease agreement for the facility that requires certain activities to be performed and places obligations for reporting. Councilor Stubbs suggested considering when the lease term is ending to review and possibly revise the services agreement and lease together. Councilor Foster moved to recommend approval to City Council of the Boys and Girls Club Services Agreement. Councilor Peterson was the second. A voice vote was 3-0, and the motion passed.
2. RIAC agreements-
 - A. PAC Blue Aerospace – Mr. Bleth stated that PAC Blue Aerospace request to lease the building for the purpose of maintenance, repair and overhaul (MRO) activities. Building space is 3,669 square feet. Monthly rent is \$750;

\$9,000 annually. Term: February 1, 2019 through January 31, 2024. Councilor Foster moved to send to full Council on consent agenda recommending approval for PAC Blue Aerospace to enter into a new lease agreement on Building No. 755. Councilor Peterson was the second. A voice vote was 3-0, and the motion passed.

- B. Clean Up Enterprises, Inc - Mr. Stark stated Clean Up Enterprises, Inc, leases the building for the purpose of carpet cleaning, janitorial business, and storage. Building space is 978 square feet. New monthly rent is \$115; \$1,380 annually. Rent adjustment is 2.67%. Clean Up Enterprises, Inc., has been a customer since December 2013. Term: February 1, 2019 through January 31, 2020. Councilor Foster moved to send to full Council on consent agenda recommending approval for Clean Up Enterprises, to renew their current lease agreement on Building No. 67. Councilor Peterson was the second. A voice vote was 3-0, and the motion passed.
- C. NuMex Plastics, Inc- Mr. Bleth stated that NuMex Plastics, Inc leases a portion of the building for the purpose of storage. Building space is 21,960 square feet. New monthly rent is \$2,055; \$ 24,660 annually. Rent adjustment is 3.00%. NuMex Plastics, Inc., has been a customer since December 2000. Term: February 1, 2019 through January 31, 2020. Councilor Foster moved to send to full Council on consent agenda recommending approval for NuMex Plastics, Inc to renew their current lease agreement on a portion of Building No. 112B. Councilor Peterson was the second. A voice vote was 3-0, and the motion passed.
- D. Eastern New Mexico University- Roswell – Mr. Bleth stated Eastern New Mexico University- Roswell leases the part of old runway 17/35 at the old Roswell Municipal Airport for the purpose of CDL training. New monthly rent is \$129 monthly; \$1,548 annually. Rent adjustment is 2.5%. Eastern New Mexico University – Roswell has been a customer since February 2012. Term: March 1, 2019 through February 29, 2020. Councilor Foster moved to send to full Council on consent agenda recommending approval for Eastern New Mexico University to renew their current lease agreement on use of an area of land at the Old Airport. Councilor Peterson was the second. A voice vote was 3-0, and the motion passed.
- E. Kerry Hunter- Mr. Bleth stated Kerry Hunter leases the building for the purpose of vehicle storage and maintenance. 4,736 square feet. New monthly rent is \$505; \$6,060 annually. Rent adjustment is 3%. Kerry Hunter has been a customer since March 1993. Term: March 1, 2019 through February 29, 2020. Councilor Peterson moved to send to full Council on consent agenda recommending approval for Kerry Hunter to renew his current lease agreement on Building No. 117. Councilor Foster was the second. A voice vote was 3-0, and the motion passed.

- F. Don and Angel Mayes, and Richard Glenn-Mr. Bleth stated Don and Angel Mayes, and Richard Glenn lease "T" Hangar Building No. 120, Space 2 for the purpose of aircraft storage and maintenance. 1,002 square feet. New monthly rent \$186; \$2,232 annually. Rent adjustment is 2.2%. Don and Angel Mayes, and Richard Glenn have been customers since February 2010. Rent adjustment is 2.2%. Term: March 1, 2019 through February 29, 2020. Councilor Peterson moved to send to full Council on consent agenda recommending approval for Don and Angel Mayes, and Richard Glenn, to renew their current lease agreement on "T" Hangar Building No. 120, Space 2. Councilor Foster was the second. A voice vote was 3-0, and the motion passed.
3. Proposed Ord. 18-11 Nuisance Properties - Community Development Director, Bill Morris introduced the item. The item had been considered by the Public Safety Committee at its January meeting and referred to Legal Committee for review. Proposed Ordinance 18-11 would define nuisance activities on private property and would provide the City with new code enforcement tool without creating new citations. The revisions to the Ordinance include referring only to existing code sections for definitions of nuisance activity. Councilor Foster expressed concern about requiring local contact for foreign owners. He also suggested using a point-system. City Manager Joe Need said the complaints originate with the neighbors and need way to resolve those issue. Proposed Ordinance 18-11 was presented to the City Council on December 13, 2018, for consideration of adoption. Councilor Peterson moved to recommend to full Council to approve Proposed Ordinance 18-11 for advertisement for a public hearing. Councilor Foster was the second. A voice vote was 3-0, and the motion passed.
4. Proposed Ord. 19-xx Amendments to the City of Roswell Zoning Code - Proposed Ordinance 19-XX, as presented by Bill Morris, is a series of text amendments to the City of Roswell Zoning Code. These amendments include establishing 6 new zoning districts, Very Low Residential, Low Residential, Mixed Use – Plaza, Parks & Recreation, Institutional, and RV Park, most of which have been created to facilitate the development of the Old Municipal Airport (OMA) area. In addition, there are other amendments that staff is recommending due to issues staff has come across as a result of permits and development. Councilor Foster moved to recommend to full Council to approve Proposed Ordinance 19-xx for advertisement for a public hearing. Councilor Peterson was the second. A voice vote was 3-0, and the motion passed.
5. Res. 19-xx Cancel Condemnation Agreement – Bill Morris presented. The attached Proposed Resolution 19-XX would terminate Agreement A-91-9 which directs the City of Roswell to engage in the demolition of derelict structures in Chaves County. City staff has determined that this agreement is very one-sided, and directs City staff to unilaterally process demolitions in the County, and expect repayment following collecting on the lien. City experiences are that the cost of

demolition is high and the value of many of these properties is low, so the City is rarely, if ever, made whole by collecting on the liens. City staff would like to create a more equitable and fair partnership process in dealing with derelict structures in specific areas of unincorporated Chaves County. Councilor Foster moved to recommend approval to full City Council of Resolution 19-xx. Councilor Peterson was second. A voice vote was 3-0, and the motion passed.

6. Meeting Times – The Legal Committee reviewed a calendar of the scheduled meeting times for the Legal Committee which is scheduled for 4:00 p.m. on the fourth Thursday of each month. Chair Stubbs noted that the regularly scheduled times for November and December conflict with holidays. Councilor Foster voted to move the November Legal Committee meeting to November 21 and the December Legal Committee meeting to December 19. Councilor Peterson was the second. A voice vote was 3-0, and the motion passed.

CHAIR COMMENTS, REPORTS, ANNOUNCEMENTS

None

PUBLIC PARTICIPATION

None

ADJOURN

The meeting adjourned at 6:16 pm.